

**CITY COUNCIL MEETING
CITY OF WATERTOWN
July 2, 2012
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: **Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham**

Also Present: **John C. Krol, City Manager
James Burrows, City Attorney**

City staff present: Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Mike Sligar, Chief Dale Herman, Chief Gary Comins, Captain Cheryl Clark, Lieutenant Charles Donoghue

The City Manager presented the following reports to Council:

- Resolution No. 1 - Reappointment to the Empire Zone Administrative Board, Joseph M. Butler, Jr.
- Resolution No. 2 - Reappointment to the Empire Zone Administrative Board, Anthony Doldo
- Resolution No. 3 - Reappointment to the Empire Zone Administrative Board, Deborah Cavallario
- Resolution No. 4 - Reappointing Elyse A. Frezzo as a Marriage Officer for the City of Watertown
- Resolution No. 5 - Reappointing Amanda C. Lewis as a Marriage Officer for the City of Watertown
- Resolution No. 6 - Approving Contract for Use of Buildings and Grounds, Watertown City School District
- Resolution No. 7 - Authorizing Application for Assistance to Firefighters Grant (AFG) Program
- Resolution No. 8 - Accepting Proposal of Bowers & Company CPAs, PLLC, For Auditing Services
- Resolution No. 9 - Authorizing a Grant Application to the NYSERDA Regional Economic Development and Greenhouse Gas Reduction Program
- Resolution No. 10 - Finding That the Approval of a Zoning Classification Change for 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District Will Not Have a Significant Impact on the Environment
- Local Law No. 2 of 2012, Amending Section 45-11.3 of the City Code of the City of Watertown, City Marriage Officer

- Public Hearing - Ordinance Changing the Approved Zoning Classification of 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District
- Public Hearing - Ordinance Changing the Approved Zoning Classifications of Parcels on Black River Parkway, Factory Street, Factory Square, Huntington Street, and the South Side of Water Street in Order to Implement the Local Waterfront Revitalization Program
- Request for Funding, Jefferson County Historical Society
- Request for Funding, Disabled Persons Action Organization
- Request for Free Ice Time and Free Skate Rental, USO
- Request to Waive Fees For the Use of the Softball Fields, Can-Am Fast Pitch Shootout
- Properties Not Redeemed
- Ornamental Street Light Current Issues Report
- Street Closure Request for Choreographed Dance on Public Square
- ESIP Fire Department Insurance Policy

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of June 18, 2012 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

PRESENTATIONS

Mayor Graham interrupted the regular course of business to acknowledge the recent promotions within the Police Department.

Mr. Krol welcomed Chief Gary Comins, Captain Cheryl Clark and Lieutenant Charles Donoghue to the City's management team. He stated that they all come highly recommended by their respective supervisor and are preceded with excellent long-term careers in the community.

PROCLAMATIONS

Mayor Graham interrupted the regular course of business to thank Mr. Krol for assisting the City through a very difficult situation and transition. He commented that Mr. Krol did a great job with recruitment and then stepped into the position of interim City Manager with a level of expertise and a demeanor that staff and Council found refreshing and reassuring.

Council Member Burns presented Mr. Krol with a Proclamation declaring him a Honorary First Citizen of Watertown.

Council Member Smith stated he appreciated working with Mr. Krol and indicated that his management style is wonderful.

Council Member Macaluso thanked Mr. Krol for his time and effort and noted that the City would never have gotten through this process so quickly without him.

Council Member Butler said that Mr. Krol made a difficult transition much easier than Council anticipated and that he was a pleasure to work with. He presented Mr. Krol with a City Coin.

Mr. Krol thanked Council, Department Heads and employees for welcoming him and stated that he regrets not being able to give the position the full time it desired. He indicated that his primary goal was to make the transition smooth from one long-term manager to another long-term manager.

COMMUNICATIONS

A Summons was received in regards to a Complaint from Eileen Fanning, Perch Lake Road, for injuries sustained resulting from a fall on March 8, 2011 in front of 114-118 Court Street, Watertown, NY.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Leonard Robinson, Meriline Avenue addressed the chair concerning the condition of his street and asked Council to consider making repairs to Meriline Avenue.

Mayor Graham asked Mr. Krol to get an update regarding this from the Engineering Department and/or the Department of Public Works.

Howard Sprague, 1409 Ives Street addressed Council regarding the recent increase in the price of trash stickers. He reviewed the history of the trash stickers and stated that the fee was to cover transferring the trash from the City to the landfill. He asked if the increased revenue is being used for its original purpose or is it going into the General Fund.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Changing the Approved Zoning Classification of 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District

Mayor Graham declared the hearing open at 7:30 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:30 p.m.

At 7:31 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Changing the Approved Zoning Classifications of Parcels on Black River Parkway, Factory Street, Factory Square, Huntington Street, and the South Side of Water Street in Order to Implement the Local Waterfront Revitalization Program

Mayor Graham declared the hearing open at 7:31 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:31 p.m.

RESOLUTIONS

Resolution No. 1 - Reappointment to the Empire Zone Administrative Board, Joseph M. Butler, Jr.

Introduced by Council Member Jeffrey M. Smith

WHEREAS New York State has designated an Empire Zone pursuant to Article 18-b of the New York State General Municipal law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal law requires that an Empire Zone Administrative Board be in place to oversee the operation of said Empire Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone Administrative Board, as the City representative, for a term commencing immediately and expiring May 31, 2015

Joseph M. Butler, Jr.
355 TenEyck Street
Watertown, New York 13601

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 2 - Reappointment to the Empire Zone Administrative Board, Anthony Doldo

Introduced by Council Member Roxanne M. Burns

WHEREAS New York State has designated an Empire Zone pursuant to Article 18-b of

the New York State General Municipal law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal law requires that an Empire Zone Administrative Board be in place to oversee the operation of said Empire Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone Administrative Board, as an at large representative, for a term commencing immediately and expiring May 31, 2015

Anthony Doldo
119 Breen Avenue
Watertown, New York 13601

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 3 - Reappointment to the Empire Zone Administrative Board, Deborah Cavallario

Introduced by Council Member Jeffrey M. Smith

WHEREAS New York State has designated an Empire Zone pursuant to Article 18-b of the New York State General Municipal law within the Town of Watertown and the City of Watertown on July 27, 1994, and

WHEREAS Article 18-b of the New York State General Municipal law requires that an Empire Zone Administrative Board be in place to oversee the operation of said Empire Zone,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby appoints to the Empire Zone Administrative Board, as a community organization representative, for a term commencing immediately and expiring May 31, 2015

Deborah Cavallario
259 Thompson Boulevard
Watertown, New York 13601

Seconded by Council Member Roxanne M. Burns and carried with all voting yea.

Resolution No. 4 - Reappointing Elyse A. Frezzo as a Marriage Officer for the City of Watertown

Introduced by Council Member Jeffrey M. Smith

WHEREAS Section 11-C(1) of the New York State Domestic Relations Law permits the City Council of the City of Watertown to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

WHEREAS the City Council of the City of Watertown adopted Local Law No. 2 of 2002, establishing the position of City Marriage Officer under Section 45-11.3 of the City Code of the City of Watertown, and

WHEREAS Elyse A. Frezzo is over the age of 18 and is a resident of the City of Watertown, as required by Section 11-C(2) of the New York State Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Elyse A. Frezzo shall be appointed as a Marriage Officer for the City of Watertown with the duties established by Section 45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York State Domestic Relations Law, for a term of four (4) commencing immediately and expiring July 1, 2016.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 5 - Reappointing Amanda C. Lewis as a Marriage Officer for the City of Watertown

Introduced by Council Member Teresa R. Macaluso

WHEREAS Section 11-C(1) of the New York State Domestic Relations Law permits the City Council of the City of Watertown to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

WHEREAS the City Council of the City of Watertown adopted Local Law No. 2 of 2002, establishing the position of City Marriage Officer under Section 45-11.3 of the City Code of the City of Watertown, and

WHEREAS Amanda C. Lewis is over the age of 18 and is a resident of the City of Watertown, as required by Section 11-C(2) of the New York State Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Amanda C. Lewis shall be appointed as a Marriage Officer for the City of Watertown with the duties established by Section 45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York State Domestic Relations Law for a term of four (4) commencing immediately and expiring July 1, 2016.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 6 - Approving Contract for Use of Buildings and Grounds, Watertown City School District

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown desires to run a Summer Recreation Program within the City of Watertown, and

WHEREAS the Watertown City School District is willing to authorize the City to use its

facilities for said purpose, and

WHEREAS there is no cost associated with the Agreement between the City of Watertown and the Watertown City School District, and

WHEREAS the City deems the providing of a Summer Recreation Program to be a benefit to the citizens of the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement between the City and the Watertown City School District, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute the contract on behalf of the City of Watertown.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 7 - Authorizing Application for Assistance to Firefighters Grant (AFG) Program

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown Fire Department is seeking City Council approval to apply for grant funding under FEMA's Assistance to Firefighters Grant (AFG) Program, and

WHEREAS the purpose of this program is for acquiring additional equipment, including equipment to enhance the safety or effectiveness of firefighting, rescue and fire-based EMS functions, and

WHEREAS the application, in the amount of \$72,870 with the City match being \$7,287, would provide funding for much needed rescue equipment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application under FEMA's Assistance to Firefighters Grant (AFG) Program, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 8 - Accepting Proposal of Bowers & Company CPAs, PLLC, For Auditing Services

Introduced by Council Member Teresa R. Macaluso

WHEREAS it is the responsibility of local municipalities to comply with Federal and State Single Audit requirements, and

WHEREAS the City has solicited proposals for an audit of the General Purpose Financial Statements and the Single Audit of the City's financial activities for the fiscal years ending 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16, and

WHEREAS a proposal has been received from Bowers & Company CPAs, PLLC to perform an audit of the General Purpose Financial Statements and a Single Audit of the financial activities of the City of Watertown, as prescribed by the Comptroller General, in the amount of \$22,000 for Fiscal Year 2011-12, \$23,000 for Fiscal Year 2012-13, \$24,000 for Fiscal Year 2013-14, \$25,000 for Fiscal Year 2014-15 and \$26,000 for Fiscal Year 2015-16,

NOW THEREFORE BE IT RESOLVED that the City Manager is hereby authorized and directed to execute the Agreement with Bowers & Company CPAs, PLLC, for the purpose of conducting an audit of the General Purpose Financial Statements, Single Audits of the financial activities of the City of Watertown for the Fiscal Years 2011-12 through Fiscal Year 2015-16.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Butler asked for further explanation as to why this firm was chosen.

James Mills, City Comptroller, replied that this firm did the City's audit eight years ago so they have prior knowledge and experience. In addition, he stated that the number of hours that were estimated were the highest among the bids which lends to a good thorough audit. He added that price did play a part but this firm's experience and hours were important. He confirmed that it is wise to change firms from time to time and clarified that this firm was formally known as Sovie and Bowie, PC.

Council Member Burns questioned if there is an advantage to continue the relationship with Poulsen & Podvin, CPA, PC since they just completed an interim audit.

Mr. Mills stated that he had no problems working with them and they did an excellent job but his recommendation to use Bowers and Company, CPAs, PLLC is based on price, the estimated hours and their experience with the City.

Council Member Butler asked how many staff will conduct the audit.

Mr. Mills responded that usually there is four to five staff members which will include an engagement partner, a lead audit manager, and two to three staff auditors.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 9 - Authorizing a Grant Application to the NYSERDA Regional Economic Development and Greenhouse Gas Reduction Program

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown desires to make the improvements to the Watertown Pollution Control Plant, pertaining to the sludge disposal process and

WHEREAS, if implemented, this project would enable the beneficial land application of generated biomass, enable the facility's sewage incinerator to be permanently taken off-line, and

WHEREAS, if implemented, this project would eliminate the need for 28,275 gallons of fuel oil per year, and would also reduce the facility's electricity consumption by approximately 308,000 kilowatt hours annually, and

WHEREAS the alternative sludge disposal proposed in this application will also result in a dramatic increase in methane gas production, which would support a 125+ KW micro turbine and produce electricity for use at the Pollution Control Plant, and

WHEREAS the New York State Energy Research and Development Authority (NYSERDA) has announced that grant funds are available through the Regional Economic Development and Greenhouse Gas Reduction Program, and

WHEREAS the North Country Regional Economic Development Council will also review this grant application, and

WHEREAS the City Council of the City of Watertown believes that this project at the City's Pollution Control Plant is in-line with the North Country Regional Economic Development Council's strategic plan, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant negative impact on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and improvements constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant negative impact on the environment, and

BE IT FURTHER RESOLVED that Elliott B. Nelson, Assistant to the City Manager of the City of Watertown, is hereby authorized and directed to file an application for funds the Regional Economic Development and Greenhouse Gas Reduction Program for the purpose described above.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Smith thanked Mike Sligar, Water Superintendent for his hard work and his ideas. In moving forward, he said, this will be a great move for the facility in terms of saving on fuel oil and generating a lot of its own electricity.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 10 - Finding That the Approval of a Zoning Classification Change for 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District Will Not Have a Significant Impact on the Environment

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Council of the City of Watertown, New York, has before it an Ordinance for the zoning classification change of 108 and 112 Flower Avenue East, parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Ordinance would constitute such an “Action,” and

WHEREAS the City Council has determined that re-zoning these properties is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared by the applicant, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Smith abstained from voting due to a conflict upon advice from Attorney Slye and exited Council Chambers.

Council considered the SEQRA form and discussed the potential for some minor effects on various items.

Mayor Graham stated that the applicant made a valid argument during the initial discussion of the zoning change for Washington Street but unfortunately portions of the property that needed to be changed were not included in that discussion. He added that he advised the applicant to withdraw the application in order to reconfigure the plan but that was not done. He commented that he will oppose the resolution and ordinance.

Council Member Butler mentioned that he met with the applicant and expressed that his views were contrary to what the applicant wants to do. He remarked that he voted against the first request and will be doing the same on this because there is the potential for problems with neighbors of commercial properties.

Council Member Macaluso agreed stating that she was naïve to think the project would only affect Washington Street.

Council Member Burns stated that she agreed with Mayor Graham in that the applicant made a very good presentation but wished the applicant had been more forth right with Council in regards to the second part of her request.

James Burrows, City Attorney reminded Council that the SEQRA form requires Council to take a hard look at the potential environmental impact and if Council decides that there is a significant environmental impact then the applicant is required to complete the long Environmental Assessment Form and Council cannot move forward with the ordinance for the zone change. He clarified that the ordinance would remain in limbo until the environmental impacts have been considered and looked at further.

Council Member Burns thanked Attorney Burrows for refreshing Council on the SEQRA process and stated that she did not mean to imply that there would be a large impact and only thinks there is a potential for a small impact.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea Council Member Jeffrey M. Smith who abstained.

Council Member Smith returned to Council Chambers.

Resolution No. 11 – Appointing Sharon Addison as City Manager of the City of Watertown

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown is the appointing authority for the position of City Manager for the City of Watertown, and

WHEREAS the Current City Manager, John C. Krol, will vacate the position effective midnight on Monday, July 16, 2012, and

WHEREAS the City Council desires to appoint a City Manager, with all the powers and duties of that position as contained in the Watertown City Charter and Plan C of the New York Optional City Government Law of 1914, and

WHEREAS the Watertown City Charter empowers the City Council of the City of Watertown to enter into a contract with a City Manager for the purposes of outlining the City Manager's duties and compensation for those duties, and

WHEREAS the City Council of the City of Watertown approved an employment contract with Sharon Addison at a Special Meeting on May 26, 2012, which has since been executed by all parties,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Sharon Addison is hereby appointed to the office of City Manager of the City of Watertown effective at midnight on Monday, July 16, 2012, and shall take the oath of office and sign the City Clerk's oath book as soon as practicable thereafter.

Seconded by Council Member Roxanne M. Burns

Rules waived by Motion of Council Member Roxanne M. Burns, seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

Prior to the vote on the foregoing resolution, Mayor Graham explained that Ms. Addison's contract was previously approved and this is to put on the record that she would assume the duties at midnight on Monday, July 16, 2012.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 12 – Establishing Standard Work Day and Reporting For Council Member Roxanne M. Burns

Introduced by Council Member Jeffrey M. Smith

BE IT RESOLVED, that the City of Watertown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

		Elected Officials		Employer	Days/Month
		Standard	Term	Record of Time	(based on
Title	Name	Work Day	Begins/Ends	Worked	Record of
		(Hrs/day)		(Y/N)	Activities)
Council Member	Roxanne M. Burns	6 hours	01/01/12-12/31/15	N	4.28 days

On this 2nd day of July, 2012,

(Signature of Clerk)

Date enacted _____

I, Ann M. Saunders, Clerk of the governing board of the City of Watertown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 2nd day of July, 2012 on file as part of the minutes of such meeting, and the same is a true copy thereof and whole of such original.

I further certify that the full board consists of 5 members and that 5 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution and 1 such member abstained from voting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Watertown.
Seconded by Council Member Joseph M. Butler, Jr.

Rules waived by Motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing waiver, Council Member Burns recused herself and exited Council Chambers.

At the call of the chair, a vote was taken on the foregoing waiver and carried with all voting yea except Council Member Roxanne M. Burns who abstained.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Roxanne M. Burns who abstained.

Council Member Burns returned to Council Chambers.

Resolution No. 13 – Establishing Standard Work Day and Reporting For Council Member Joseph M. Butler, Jr.

Introduced by Council Member Jeffrey M. Smith

BE IT RESOLVED, that the City of Watertown hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body.

Elected Officials		Employer	Days/Month
Standard	Term	Record of Time	(based on
Work Day		Worked	Record of

Title	Name	(Hrs/day)	Begins/Ends	(Y/N)	Activities)
Council Member	Joseph M. Butler, Jr.	6 hours	01/01/12-12/31/15	N	4.22 days

On this 2nd day of July, 2012,

(Signature of Clerk) Date enacted _____

I, Ann M. Saunders, Clerk of the governing board of the City of Watertown, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 2nd day of July, 2012 on file as part of the minutes of such meeting, and the same is a true copy thereof and whole of such original.

I further certify that the full board consists of 5 members and that 5 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution and 1 such member abstained from voting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Watertown.
Seconded by Council Member Teresa R. Macaluso

Rules waived by Motion of Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing waiver, Council Member Butler recused himself and exited Council Chambers.

At the call of the chair, a vote was taken on the foregoing waiver and carried with all voting yea except Council Member Joseph M. Butler, Jr. who abstained.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Joseph M. Butler, Jr. who abstained.

Council Member Butler returned to Council Chambers.

ORDINANCES

The Ordinance “Changing the Approved Zoning Classification of 108 and 112 Flower Avenue East, Parcels 11-12-127 and 11-12-128, from Residence B District to Neighborhood Business District” (Introduced on June 18, 2012;; public hearing held this evening; appears in its entirety on page 171-172 of the 2012 Minutes Book).

Prior to the vote on the foregoing resolution, Council Member Smith abstained from voting due to a conflict upon advice from Attorney Slye and exited Council Chambers.

At the call of the chair, a vote was taken on the foregoing ordinance and defeated with all voting nay except for Council Member Jeffrey M. Smith who abstained.

Council Member Smith returned to Council Chambers.

The Ordinance “Changing the Approved Zoning Classifications of Parcels on Black River Parkway, Factory Street, Factory Square, Huntington Street, and the South Side of Water Street in Order to Implement the Local Waterfront Revitalization Program” *(Introduced on June 18, 2012.; public hearing held this evening; appears in its entirety on page 172-173 of the 2012 Minutes Book).*

Prior to the vote on the foregoing resolution, Mayor Graham asked if there have been many questions from private property owners.

Kenneth Mix, City Planning Coordinator commented that the last two to three phases have involved private lands and mentioned that some property owners voiced concerns so the Planning Board has been careful not to make any nonconforming uses. He pointed out that the goal was to allow housing but not nonconforming uses. He added that no one attended the last meeting.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

LOCAL LAW

Local Law No. 2 of 2012, Amending Section 45-11.3 of the City Code of the City of Watertown, City Marriage Officer

Introduced by Council Member Jeffrey M. Smith

WHEREAS the New York State Domestic Relations Law permits the governing body of the City of Watertown to appoint one or more Marriage Officers with the authority to solemnize a marriage in the City, and

WHEREAS the City of Watertown Clerk’s Office regularly performs marriage solemnization ceremonies, and

WHEREAS the City Code of the City of Watertown must be amended to adequately reflect the current fee structure, and

WHEREAS Section 45-11.3 of the City Code of the City of Watertown may only be amended by Local Law,

NOW THEREFORE BE IT ENACTED that Section 45-11.3 of the City Code of the City of Watertown is hereby amended to read as follows:

§ 45-11.3. City Marriage Officer

Pursuant to Section 11 –c(1) of the New York State Domestic Relations Law, the City Council may appoint one or more marriage officers who shall have the authority to solemnize a marriage, which marriage shall be valid if preformed in accordance with other provisions of law. Such marriage officers shall be appointed by resolution of the City Council to a term not to exceed four (4) years, pursuant to Section 11-c(4) of New York State Domestic Relations Law. Such marriage officer will not receive a salary or wage for his or her services. However, for each marriage at which he or she officiates, the City shall be paid, by or on behalf of the persons married, a marriage solemnization fee consistent with that listed in Section A320-1.2 of the City Code of the City of Watertown, which shall be collected by the City Clerk.

, and

BE IT FURTHER ENACTED that this Local Law shall take effect immediately upon filing with the New York Secretary of State.

Seconded by Council Member Joseph M. Butler, Jr.

Motion for unanimous consent moved by Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof

At the call of the chair, a vote was taken on the foregoing local law and carried with all voting yea.

DISCUSSIONS

Request for Funding, Jefferson County Historical Society

Council Member Burns recused herself from this discussion because she is a member of the Board of Directors for the Jefferson County Historical Society and exited Council Chambers.

Mayor Graham asked for the reason for the request and whether this is a one-time special request.

William Wood, Executive Director of the Jefferson County Historical Society stated that they are trying to build the advertising and promotion of the Historical Society. He indicated that this proposal will build awareness of the downtown area as well and build the image of downtown as a destination. He mentioned that he would greatly appreciate anything that Council approved and the funding will allow their direction of exposure to grow through radio, newspaper and flyers. He noted that in the past year there has been significant growth in events and this resulted in obtaining partnerships with other organizations.

Referring to the cover report, Mayor Graham commented there is a surplus left over but it is not solely from bed tax and comes from General Fund appropriation as well.

Mr. Wood pointed out that their current accounting shows that they have exceeded the amount that was allocated and Historical Society funds are being used in addition to the funding that was given to them in this fiscal year. He clarified that he is referring to July through June for the fiscal year and last year's \$10,000 has been spent.

Council Member Smith said the goal is to bring people into the City to spend money but he would like them to track the number of people attending the events in terms of county residents verses non county residents. He stated that he would support the amount of \$15,000 for this year.

Council Member Butler stated he is a big fan of the Historical Society but he needs to answer to the tax payers as well and there is only so much money to go around. He indicated that he is committed to the budgetary amount already established.

Council Member Macaluso commented that the \$5,000 increase is too much but she is willing to go allow \$12,500.

Mayor Graham agreed with Council Member Macaluso.

Council Member Macaluso added that she would like to see where the money goes in order to justify this to the public.

Council Member Butler mentioned that some effort should be put towards increasing membership.

Mr. Wood remarked that this year's response from their sponsors and business partners showed that advertising played a role. He added that there was an increase of \$8,500 in contributions from sponsors.

Mayor Graham confirmed that the desire of Council was to allow for \$12,500 and asked if a contract could be put together.

Council Member Burns returned to Council Chambers.

Waiver of Fees - Request from Disabled Persons Action Organization, Request for Free Ice Time and Free Skate Rental, USO and Request For the Use of the Softball Fields, Can-Am Fast Pitch Shootout

Mayor Graham questioned where to draw the line in waiving fees because every program involves children, people with issues or the elderly. He stressed that Council owes the adherence to the fee schedule to staff and the tax payers unless someone is willing to introduce an ordinance that allows fees to be waived on the fly.

Council Member Smith, Council Member Burns and Council Member Macaluso agreed with Mayor Graham.

Council Member Butler commented that he wants consistency but Council already waived fees for a softball tournament.

Mayor Graham commented that if people are not comfortable with the fees then the Code should be changed.

Council Member Butler stated that from time to time a request may come in and he does not have a problem reviewing it or being accused of being inconsistent if it is for good will.

Mayor Graham asked if the Code allows for individual resolutions to be passed by Council in order to waive fees.

Attorney Burrows stated that the rules and provisions under Chapter 320 are the Council's and the Council has the ability to make changes.

Mayor Graham mentioned that if something is to be waived, it should be done by a resolution and not a motion from the floor or by request of the City Manager or staff.

Attorney Burrow agreed that being more formal is better.

Council Member Butler asked if the Code could be reviewed to see if there was a provision for nonprofit organizations.

Request for Funding, Disabled Persons Action Organization

Council Member Smith stated that this organization brings thousands of people into the community which creates sales tax and bed tax money for the community. He reminded Council that the numbers from last year reflect money that was well invested in the community. He indicated that he would support this.

From an accounting perspective, Mr. Mills said the Tourism Fund balance through June 30, 2012 was \$20,139 and \$50,000 was adopted for the Fiscal year 2012-2013. He explained that the Fund Balance will need to cover approximately \$8,000 with the Thousand Islands International Tourism Council's request for \$41,850, the Jefferson County Historical Society's request for \$12,500 and the Disabled Person Action Organization's request for \$5,000.

Mayor Graham questioned whether public money should be appropriated toward events that the City charges fair rates to use the facility and funds the operational costs as well as needed improvements of the facility.

Council Member Macaluso stated that she would approve funding half of the request.

In response to Council Member Butler's question, Mr. Mills stated that Council would be overspending the approved budgeted amount and would need to pull approximately \$10,000 from the Tourism Fund.

Council Member Butler said he would approve \$2,500.

Council Member Burns indicated that she would support the \$5,000 request.

Mayor Graham advised that he would support \$5,000 but pointed out that he does not like late requests.

Properties Not Redeemed

Mayor Graham reminded Council that the previous owners cannot make any claim to the properties and when the City takes title to the property, all liens against the property except for federal and state tax liens, are erased.

Council concurred to proceed with the normal procedure of scheduling an auction once staff reviews them for code violations.

Mayor Graham told Council that the warehouse has vehicles in it that belong to soldiers that are overseas. He also disclosed that the Watertown Local Development Corporation has dealings in a lending capacity with the owners of this property. He asked Mr. Mills when the residential properties could be filed.

Mr. Mills responded that it could be done by the end of the week but he still needs to know if there are occupants and work out exit plans if needed.

Attorney Burrows reminded Council that the City does not want to be in a landlord-tenant position and when occupants do not vacate, he will begin the eviction process with a 10-day notice.

Mayor Graham inquired if the water was shut off in some of the residential properties.

Attorney Burrows stated that under State code, a structure could be condemned for occupancy if it does not have running water.

Mayor Graham suggested that services be checked on some these properties.

In regards to the commercial properties, Mr. Mills said he is checking with Code Enforcement and other departments for knowledge of past uses that might be anything that the City needs to be cautious of.

Mayor Graham wanted to put on record that he was at the storage warehouse and a security alarm went off but he did call 911 and waited until the police officer arrived to secure the building.

Attorney Burrow indicated that the vehicles in the 753 Rear Main Street property are owned by some service members which involves the Service Members' Relief Act and gives additional protection by federal law. He noted that this raises some unique issues but they are issues that

can be worked through. He also pointed out that he was contacted today by Attorney Steve Munson representing the property owner and there is an interest in meeting with Council to present a proposal to get the property back.

In response to Mayor Graham's inquiry, Mr. Mills stated a public auction could occur in mid-September to mid-October.

Ornamental Street Light Current Issues Report

Council reviewed this report and Council Member Butler asked if a discussion with National Grid could be initiated to get back to the original agreement.

Mr. Krol indicated that this is the next step.

Street Closure Request for Choreographed Dance on Public Square

Mayor Graham asked if this group could be encouraged to use JB Wise parking lot and Council agreed.

JB Wise Covered Walkway

In response to Mayor Graham's inquiry, **Kurt Hauk**, City Engineer indicated that all the materials have been delivered and hopefully it will be completed in a few weeks in order for the Saturday's Farmers' Market use.

ESIP Fire Department Insurance Policy

Council Member Smith commented that that receiving the replacement value for an additional \$5000 in premium was a good deal.

In response to Council Member Butler's inquiry, Mr. Krol confirmed that this included all vehicles and equipment for the Fire Department.

Email forwarded to Council

Council Member Burns thanked Mr. Krol for forwarding an email from a couple travelling through Watertown that stated it was the cleanest city they have travelled through. She stated that this is a testament to the hard work of the City's Departments and made her feel very proud.

Council Member Butler's Appointment to the Empire Zone Administrative Board

In response to Council Member Butler's inquiry, Attorney Burrows indicated that it was fine for Council Member Butler to have voted on this resolution.

Meriline Ave

Council Member Butler stated that Mr. Robinson made some good points during the Privilege of the Floor and this short street is in rough shape. He asked staff to take a look at it.

Council Member Smith mentioned that he thought this was not a City-owned street.

Moffett Street

Mr. Krol said that there is not a good solution to this without blocking off people's access to their own properties. He stated that the complaint is that people are driving too fast on that section of the street but the City cannot barricade people from their own property.

Clinton Street Project

Council Member Butler asked if the area between the sidewalk and the curb was going to have grass or pavers.

Mr. Hauk explained that they will basically replicate what is there now and if there is grass then the grass will be replaced and narrow areas will be sidewalk and curbing.

Trash Sticker

Council Member Butler asked if the gentleman's questions that were raised during the Privilege of the Floor could be reviewed by staff.

Council Member Smith pointed out that the price for trash stickers had not changed in ten years and stressed that the price of fuel is not what it was ten years ago which has increased costs.

Police Dog Graduation

Council Member Smith asked Mr. Krol to remind the new Police Chief to invite Council Members to events like this.

Watertown Trust Development Corp

Mayor Graham commented that this agency is working through personnel issues and has appointed a committee in order to establish a payroll system and a benefit package that is consistent with the corporation's status.

Board Appointments - Watertown Trust Board and JCJDC

Mayor Graham thanked Mr. Mix for filling in as the City's representative on the Watertown Trust Board and JCJDC and reminded Council that permanent appointments need to be made.

Western Boulevard

Mayor Graham stated that Mr. Donegan is anxious to set up a meeting with the owners of Stateway Plaza but said that it should wait until the new City Manager is on board.

Karl Burns Learning Center

Mayor Graham stated that he visited the zoo and he told Mr. Wright that Council needs to wait until the bids come in before they look at audio visual equipment. He encouraged Council to visit him and review his plans.

Combined Funding Applications

Council concurred to have Elliott Nelson, Assistant to the City Manager prepare and submit an application for the arena. He stated that the association with the Privateers and plans for a year-round facility should be pointed out on the application.

Privateers

Mayor Graham commented that the owners of the team are investigating vendors for alcohol and may have formed a tentative partnership with Robert Dalton, owner of the Paddock Club and member of the Library Board. In speaking with Attorney Slye, he indicated the better way might be to license the facility seasonally.

Attorney Burrows advised that Attorney Slye has contacted Mr. Casale, the City's consultant but has nothing to report back to Council at this time. He said that hopefully they will be able to provide options to the Council in the near future.

Motion was made by Council Member Jeffrey M. Smith to move into Executive Session to discuss the employment history of a particular individuals.

Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Council moved into Executive Session at 8:48 p.m.

Council reconvened at 9:55 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:55 p.m. by motion of Council Member Jeffrey M. Smith, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk